

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:14-00244

DONALD L. BLANKENSHIP

**JUROR QUESTIONNAIRE**

Please Print Your Name: \_\_\_\_\_

Your Juror Number: \_\_\_\_\_

**Introduction:**

This questionnaire is intended to make jury selection more efficient in an upcoming criminal case. The answers you give in the questionnaire will help the Court and counsel to determine whether you can or should serve as a juror in this particular trial. There are no correct or wrong answers. There are only your own personal, honest, and candid answers. To ensure that your answers are accurate and truthful, you are required to give your answers under oath. All information contained in this questionnaire will be kept confidential. The information you provide will be given only to the Judge, the Clerk's Office and the parties, and will be used solely for the purpose of selecting a jury in this case.

Between now and jury selection, please do not discuss this questionnaire, or your answers to it, with anyone, including other prospective jurors, or the lawyers for either side. In addition, please do not read any newspaper articles about this case or visit any locations at issue in this case. Do not assume that the questions show anything about what will be the evidence to be presented in this case, or that your answers will determine whether or not you will serve on this jury.

Answer each question as best you can. We are just asking you to say honestly what you think. Take your time. Please write or print clearly with a pen. If you need extra space to answer a question, you may continue an answer at the end of the questionnaire showing the number of the question being answered.

### DESCRIPTION OF THE CASE

In this case, the defendant, Donald L. Blankenship, is charged in a three-count indictment with criminal offenses involving the violation of mandatory mine safety and health standards and making false and fraudulent statements to the Securities and Exchange Commission and others.

This trial could last up to four weeks. Today you are asked to fill out this questionnaire. Jurors will then return to court for voir dire (verbal questioning) and jury selection. It is likely that evidence will be presented from \_\_\_\_\_ to \_\_\_\_\_ Monday through Friday, except for holidays and other adjournments of trial.

Service on a jury is one of the highest duties that each citizen owes to his or her country and inconvenience or ordinary financial problems related to jury service will not be enough to excuse a prospective juror. Federal law forbids any employer from discharging or discriminating against an employee because of jury service.

### JUROR QUESTIONNAIRE

[If your answer is longer than the space provided, please use the two blank pages attached at the end and do not write on the back of the pages unless you run out of space on the very last page.]

#### BACKGROUND

Name \_\_\_\_\_

1. Date of Birth \_\_\_\_\_ Age: \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

2. Where were you born? \_\_\_\_\_

3. What town do you live in? \_\_\_\_\_

4. What county do you live in? ☐ Boone ☐ Clay ☐ Jackson ☐ Kanawha ☐ Lincoln

☐ Logan ☐ Mingo ☐ Nicholas ☐ Putnam ☐ Roane

☐ Cabell ☐ Wayne ☐ Mason

5. How long have you lived in this county? \_\_\_\_\_

6. Where else have you lived (city, state or country, if outside the United States)?  
\_\_\_\_\_

7. Are you a citizen of the United States? Yes \_\_\_\_\_ No \_\_\_\_\_

8. Can you read and understand the English language?

Yes\_\_\_\_ No\_\_\_\_

**IF NO:** Has anyone read and explained this questionnaire to you, or assisted you in answering these questions in any way?

Yes\_\_\_\_ No\_\_\_\_

9. There is a possibility that this trial could last up to four weeks. Jury service would be required from \_\_\_\_AM to \_\_\_\_ PM, Monday through Friday, and you would have to be present for every session at the direction of the court. Do you have a medical condition that would prevent you from sitting for such length of time?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please describe. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10. Do you have family obligations, such as caring for small children or relatives who are ill or infirm, or any other problem of any kind that might make it difficult for you to serve as a juror for up to four weeks?

Yes\_\_\_\_ No\_\_\_\_

11. Length of time at current address: \_\_\_\_\_years

Do you live: (Please check all that apply)

\_\_\_\_\_ In a single-family house (own \_\_\_\_ rent \_\_\_\_)  
\_\_\_\_\_ Apartment (own \_\_\_\_ rent \_\_\_\_)  
\_\_\_\_\_ With family  
\_\_\_\_\_ With friends  
\_\_\_\_\_ Other (please explain): \_\_\_\_\_

If less than one year at current address, please indicate prior county, city or town:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. What is your marital status?

\_\_\_\_\_ Married  
\_\_\_\_\_ Single and never married

- \_\_\_\_ Divorced, not remarried
- \_\_\_\_ Divorced, remarried for \_\_\_\_ years
- \_\_\_\_ Living with non-marital mate \_\_\_\_ years
- \_\_\_\_ Widowed/widower married in the past for \_\_\_\_ years
- \_\_\_\_ Other

How many times have you been married? \_\_\_\_\_

13. Please describe briefly the employment status of your past and present spouse(s) and/or domestic partner(s), including their occupations and employers:

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14. What is the educational background of your spouse or domestic partner? \_\_\_\_\_

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15. What clubs or social, professional, political or religious organizations do you belong to (for example, service clubs, churches or church groups, organizations for a particular trade or profession, volunteer activities, hunting or shooting clubs, political groups, neighborhood groups, or other similar groups)?

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16. What leadership positions have you held within any of those groups or organizations?

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17. What hobbies or non-work activities do you enjoy?

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18. Do you identify politically with:

- \_\_\_\_ Conservatives
- \_\_\_\_ Moderates

\_\_\_\_ Liberals  
\_\_\_\_ Other

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. How do you usually get your news? (Please check all that apply):

\_\_\_\_ Newspaper(s) (which) \_\_\_\_\_  
\_\_\_\_ Radio, including talk radio (which programs) \_\_\_\_\_  
\_\_\_\_ Television (which stations) \_\_\_\_\_  
\_\_\_\_ Magazines (which) \_\_\_\_\_  
\_\_\_\_ Internet (which sites) \_\_\_\_\_  
\_\_\_\_ Word of mouth

How many times per week do you read about/listen to the news? \_\_\_\_\_

Do you subscribe to and or log on to any websites (blogs, discussion groups, chat rooms)  
or do you have your own blog or personal website? Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please describe: \_\_\_\_\_  
\_\_\_\_\_

20. Have you ever written a letter to the editor of a magazine or newspaper or a comment in response to a story on an Internet version of a magazine or newspaper?

\_\_\_\_ Yes \_\_\_\_ No

**IF YES:** What was the subject of the letter or comment?

\_\_\_\_\_  
\_\_\_\_\_

21. What television shows do you regularly watch? \_\_\_\_\_

\_\_\_\_\_

22. Is your opinion of mine safety laws and regulations:

Favorable \_\_\_\_ Unfavorable \_\_\_\_ No opinion \_\_\_\_

23. Is your opinion of environmental regulations:

Favorable \_\_\_\_ Unfavorable \_\_\_\_ No opinion \_\_\_\_

24. Have you followed particular crime stories or criminal cases in the news, or on television programs?

Yes \_\_\_\_ No \_\_\_\_

**IF YES:** what cases or stories, or programs? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What was your interest in those cases, stories or programs? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### EDUCATION

25. What is the highest level of education you completed?

\_\_\_\_ Grade school or less

\_\_\_\_ Some college

\_\_\_\_ Some high school

\_\_\_\_ Associate's degree

\_\_\_\_ High school graduate

\_\_\_\_ Bachelor's degree

\_\_\_\_ Technical or business school

\_\_\_\_ Postgraduate degree

Please list any degrees or certificates you may have, the schools and colleges you attended, and your major areas of study. \_\_\_\_\_

\_\_\_\_\_

26. What special training or skills do you have? \_\_\_\_\_

27. Have you ever taken courses or had any training in any of the following subjects?

<input type="checkbox"/> Law	<input type="checkbox"/> Mine Engineering
<input type="checkbox"/> Mine Safety	<input type="checkbox"/> Law Enforcement
<input type="checkbox"/> Criminology	<input type="checkbox"/> Sociology
<input type="checkbox"/> Human Behavior	<input type="checkbox"/> Business
<input type="checkbox"/> Labor Relations	

Please describe the course(s) or training: \_\_\_\_\_

\_\_\_\_\_

### WORK HISTORY

28. What is your current job status?

<input type="checkbox"/> Working full-time	<input type="checkbox"/> Unemployed not looking for work
<input type="checkbox"/> Working part-time	<input type="checkbox"/> Unemployed looking for work
<input type="checkbox"/> Disabled	<input type="checkbox"/> Homemaker
<input type="checkbox"/> Retired - when? _____	<input type="checkbox"/> Full-time student
<input type="checkbox"/> Never employed	

29. Please answer this question concerning your current employment, or, if you are retired, unemployed, a homemaker, or a full-time student, concerning your last job:

a. What company or organization do (did) you work for? \_\_\_\_\_

b. What do (did) you do at work? \_\_\_\_\_

c. How long have (had) you been employed in this particular position? \_\_\_\_\_

d. Does (did) your job include the responsibility of hiring/firing? Yes\_\_\_ No\_\_\_

30. Do you have a second (or third or more) job? Yes\_\_\_ No\_\_\_

**IF YES:** please describe:

\_\_\_\_\_

\_\_\_\_\_

31. Please list your previous three jobs and indicate how many years you worked in each one:

Employer	Dates	Job Title	Job Duties
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

32. Are you now or were you ever a member of a labor union? Yes \_\_\_\_ No \_\_\_\_

**IF YES:** What union? \_\_\_\_\_

Did you hold any office in the union? \_\_\_\_\_

33. Have you or any close friend or family member ever worked in the coal mining industry (this includes businesses that provide products, equipment, or services to coal mining companies; if multiple responses are needed, please use blank pages at end of questionnaire)?

Yes \_\_\_\_ No \_\_\_\_

**IF YES:**

Who worked in the mining industry? \_\_\_\_\_

For how long? \_\_\_\_\_

What was your/their specific job(s)? \_\_\_\_\_

What was the name of the mine/company? \_\_\_\_\_

Where was the mine/company located? \_\_\_\_\_

What type of mine/company? \_\_\_\_\_

34. Have you or a close friend or family member ever worked for Massey Energy Company or a subsidiary of Massey Energy Company?

Yes \_\_\_\_\_ No \_\_\_\_\_

35. Have you or a close friend or family member ever worked for Alpha Natural Resources or a subsidiary of Alpha Natural Resources?

Yes \_\_\_\_\_ No \_\_\_\_\_



36. Have you ever worked in a heavily regulated industry? Yes \_\_\_\_\_ No \_\_\_\_\_

37. Have you ever worked for a federal, state, or local government agency?

Yes \_\_\_\_\_ No \_\_\_\_\_

**IF YES:**

<b>Gov't Agency</b>	<b>Dates</b>	<b>Job Duties</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**RELATIONSHIP TO PARTIES IN THIS CASE**

38. Do you know, or have any connection with, any of the attorneys in this case or with any member of their offices?

**UNITED STATES** (United States Attorneys for the Southern District of West Virginia):

R. Booth Goodwin II	Yes_____	No_____
Steven R. Ruby	Yes_____	No_____
R. Gregory McVey	Yes_____	No_____
Gabriele Wohl	Yes_____	No_____
Any member of their offices	Yes_____	No_____

**DEFENSE:**

William L Taylor, III	Yes_____	No_____
Blair G. Brown	Yes_____	No_____
Eric R. Delinsky	Yes_____	No_____
R. Miles Clark	Yes_____	No_____
Steven N. Herman	Yes_____	No_____
The firm of Zuckerman Spaeder LLP	Yes_____	No_____
James A. Walls	Yes_____	No_____
Alex Macia	Yes_____	No_____
The firm of Spilman, Thomas & Battle, PLLC	Yes_____	No_____

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

39. Do you know anyone else at the Office of the United States Attorney for the Southern District of West Virginia, or have you had any dealings with that office?

Yes\_\_\_\_\_ No\_\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

40. The defendant in this case is Donald L. Blankenship, also known as Don Blankenship. Do you know, or think you may know, anything about him or members of his family?

Yes\_\_\_\_\_ No\_\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **EXPERIENCE WITH THE LEGAL SYSTEM**

41. Have you, any members of your family or close personal friends ever been: (please check all that apply):

\_\_\_\_\_ the victim of a crime (whether or not it was reported to the police)  
\_\_\_\_\_ a witness to a crime  
\_\_\_\_\_ accused of or charged with a crime  
\_\_\_\_\_ investigated for a crime

**IF YES:** please describe the situation. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If there was an arrest, what was the outcome? \_\_\_\_\_

If there was a trial, did you testify? Yes\_\_\_\_ No\_\_\_\_

Please describe any contact you had with police or courts as a result of this situation.

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Were you satisfied with the way the matter was handled by law enforcement and/or the Court?

Yes\_\_\_\_ No\_\_\_\_

If you were not satisfied, please explain:\_\_\_\_\_

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42. Have you ever been questioned in any matter by any federal law enforcement agency or agent (including the Department of Justice and the Federal Bureau of Investigation (FBI)).

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain:\_\_\_\_\_

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43. Have you or any member of your immediate family or any close friends ever been involved in a civil lawsuit, either as a \_\_\_\_witness, \_\_\_\_plaintiff, or \_\_\_\_defendant?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

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44. Have you, or do you expect to, become involved in any legal action or dispute with the United States, or any officers, agents, or employees of the United States?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

45. Do you have an opinion about the credibility of law enforcement officials?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

46. Do you believe that law enforcement officers are more likely or less likely to tell the truth than other witnesses?

\_\_\_\_ more likely \_\_\_\_ no difference \_\_\_\_ less likely

47. Do you have any impressions, opinions or beliefs about the Federal Bureau of Investigation (FBI), Department of Justice (DOJ), the Mine Safety and Health Administration (MSHA), or law enforcement agencies generally that could cause you to either lean in favor of the United States or to lean against the United States?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

48. Have you ever served as a grand juror in the past?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** How many times? \_\_\_\_\_

When? \_\_\_\_\_

Type of case(s): \_\_\_\_\_

Were you a foreperson? Yes\_\_\_\_ No\_\_\_\_

49. Have you ever served as a trial juror in the past?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** How many times? \_\_\_\_\_  
When? \_\_\_\_\_  
Type of case(s): \_\_\_\_\_  
Did the case(s) reach a verdict? Yes\_\_\_\_ No\_\_\_\_

**IF NO:** Was that because the jury could not agree on a verdict or because of some other reason?

Give reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How did you feel about your jury service? \_\_\_\_\_

Were you selected as the foreperson? \_\_\_\_\_

50. The Constitution says a defendant charged with a crime is presumed innocent and cannot be found guilty of the crimes with which he is charged unless the United States proves his guilt beyond a reasonable doubt. Are you willing to follow that law in this case and only find the defendant guilty if the United States proves his guilt beyond a reasonable doubt?

Yes\_\_\_\_ No\_\_\_\_

51. The Constitution says a defendant has the right not to testify, and it shall not be held against him if he does not take the witness stand. How do you feel about this requirement? Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

52. Would you tend to think that a person who did not testify was more likely to be guilty than not guilty?

Yes\_\_\_\_ No\_\_\_\_

53. Are you concerned that witnesses who are facing criminal charges are more likely to lie to avoid punishment for their crimes?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **CASE RELATED ISSUES**

54. What have you seen, heard or read about this case or any of the people involved in it, other than what the Judge told you in her opening remarks? Please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Source(s)? \_\_\_\_\_

What was your personal reaction to what you saw, heard or read? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

55. Have you participated in any conversations or discussions about the case with anyone with knowledge of the facts or circumstances, or opinions about what the outcome should be?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

56. Do you have any particular experiences, feelings or beliefs that might influence you as a juror in a case where someone died while working in a mine?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

57. Have you expressed an opinion or impression as to the guilt or innocence of the defendant at any prior time?

Yes\_\_\_\_ No\_\_\_\_

58. Has anyone spoken with you, or indirectly tried to contact you, at any time, including today, about the case?

Yes\_\_\_\_ No\_\_\_\_

59. Have you overheard anything about the case?

Yes\_\_\_\_ No\_\_\_\_

If so, what did you hear: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

60. Based on what you have seen, read or heard, please tell us what feelings or opinions you may have formed about this case, the charges or the defendant, Donald L. Blankenship.

\_\_\_\_\_

\_\_\_\_\_

- a. Would you be able to set those feelings aside and, if chosen as a juror, decide the case solely on the law and the evidence presented at trial?

Yes\_\_\_\_ No\_\_\_\_

- b. Have you formed an opinion regarding the guilt or innocence of the defendant, based on what you have seen, read or heard?

Yes\_\_\_\_ No\_\_\_\_

- c. What is that opinion? \_\_\_\_\_

- d. Would you be able to set that opinion aside, and, if chosen as a juror, decide the case solely on the evidence and law and evidence presented to you at trial?

Yes\_\_\_\_ No\_\_\_\_

61. Do you know any reason whatsoever why you could not sit on a jury in a case involving the defendant, Donald L. Blankenship?

Yes\_\_\_\_ No\_\_\_\_ Not Sure \_\_\_\_

**IF YES or NOT SURE**, please explain: \_\_\_\_\_

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62. Would the nature of the charges affect your ability to be a fair and impartial juror?

Yes\_\_\_\_ No\_\_\_\_ Not Sure\_\_\_\_

63. Is there any additional information not asked about in this questionnaire which you feel that the Judge and/or the attorneys should know about you before considering you for the jury in this case?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

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64. Is there anything you would like to discuss privately that would have bearing on your being a juror?

Yes\_\_\_\_ No\_\_\_\_

65. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case?

Yes\_\_\_\_ No\_\_\_\_

**IF YES:** please explain: \_\_\_\_\_

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**If necessary, please continue your answers to any questions on the attached blank pages.**

**Please give the number of each question that you are answering. Thank you.**



EXTRA SPACE TO ANSWER QUESTIONS. DO NOT FORGET TO PUT THE QUESTION NUMBER IN FRONT OF EACH ANSWER THAT REQUIRED MORE SPACE.

Question No. \_\_\_\_\_

[illegible]

[illegible]

DECLARATION

I attest and affirm, under the penalty of perjury, that the answers set forth above are true and correct to the best of my knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature